

Cathleen Goodwin
May 10, 2001

California Regional Water Quality Control Board
North Coast Region

TIME SCHEDULE ORDER NO. R1-2001-##*
I.D. No. 1B83001OSON

MODIFYING TIME SCHEDULE ORDER NO. 97-75

FOR

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF
OCCIDENTAL COUNTY SANITATION DISTRICT
AND THE SONOMA COUNTY WATER AGENCY

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), hereby gives notice that:

1. The Occidental County Sanitation District (hereinafter OCSD), 2150 W. College Avenue, Santa Rosa, owns a municipal wastewater treatment facility located east of the Town of Occidental. The treatment facility serves the community of Occidental. Treated effluents is disposed of by irrigation during the summer and discharge to Dutch Bill Creek during the winter. The Sonoma County Water Agency (hereinafter SCWA) is under contract to operate and maintain the Occidental Wastewater Treatment Facility (WWTF). The OCSD and the SCWA are collectively hereinafter referred to as Discharger.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 93-42 (WDR Order No. 93-42) for the wastewater treatment facility on May 27, 1993. WDR Order No. 93-42 also serves as a NPDES Permit and allows the Discharger to discharge treated effluent at a rate of up to one percent of the flow of the receiving water during the period of October 1 through May 14 of each year and prohibits discharge to Dutch Bill Creek and its tributaries during the period of May 15 through September 30 of each year.

3. On August 27, 1997, the Regional Water Board held an evidentiary hearing and subsequently adopted Cease and Desist Order No. 97-74 (CDO No. 97-74) requiring the Discharger to cease and desist from threatening to discharge in violation of WDR Order No. 93-42. The Regional Water Board found that the Discharger violated WDR Order No. 93-42 by: 1) discharging an estimated 2.17 million gallons of commingled reservoir water and treated effluent to Dutch Bill Creek on May 21-24 and May 28, 1996, and 2) discharging an estimated 46 million gallons of treated effluent with pH and chlorine residual violations to Graham's Pond, which is considered waters of the state due to its construction and location. The Regional Water Board also found that these violations occurred and may continue to occur due to a lack of adequate storage capacity and/or inadequate operation of storage facilities at the WWTF.
4. On the same date that the Regional Water Board adopted CDO No. 97-74, it also adopted Time Schedule Order No. 97-75 (TSO No. 97-75) for administrative civil liabilities, in which the Regional Water Board prescribed a penalty schedule upon the Discharger's failure to comply with the tasks contained therein (which coincide with the tasks in CDO No. 97-74) pertaining to development and construction of a Capital Improvement Project/Plan ("CIP").
5. On October 23, 1997, the Regional Water Board adopted Administrative Civil Liability Order No. 97-126 (ACL Order No. 97-126) imposing administrative civil liability against the Discharger for violations of WDR Order No. 93-42 and prohibitions contained in the Water Quality Control Plan for the North Coast.
6. The Discharger has completed Tasks A through E of TSO No. 97-75 pertaining to development of alternative CIPs, presentation of the CIPs to rate payers, selection of CIP alternatives to be evaluated in a CEQA document, and preparation and certification of a CEQA document. In accordance with CDO No. 97-74 and TSO No. 97-75, the Discharger has prepared and certified an environmental impact report (EIR) under the California Environmental Quality Act ("CEQA"; at Pub. Res. Code Section 21000 et seq.) for improvements to the WWTF. The EIR analyzed two upgrade alternatives: 1) a local leachfield system with treatment facility upgrades, and 2) connection of the Occidental service area to the Russian River CSD wastewater treatment facility. The local leachfield system may be technically infeasible and thus may not represent a viable solution.
7. On January 25, 2001, the SCWA submitted a letter to the Regional Water Board Executive Officer describing the SCWA's plan for selecting and constructing a final upgrade project and requesting a six month extension of the remaining deadlines in TSO No. 97-75 and CDO No. 97-74 pertaining to awarding a bid for the selected CIP and completion of construction of the selected project, respectively. In a letter to the Executive Officer dated March 2, 2001, the SCWA modified their time extension request. The March 2, 2001 letter requested an

extension of one year and nine months to award the bid for the selected project and stated that they could not commit to a date for completion of construction until a project is selected. A project is expected to be selected by November 1, 2001.

The time extensions are being requested to allow for consideration of a treatment system proposed by the Camp Meeker Parks and Recreation District as an additional upgrade alternative, which requires further environmental analysis under CEQA. An EIR for the proposed Camp Meeker project is expected to be certified prior to June 30, 2002.

8. On May 24, 2001, the Regional Water Board acted on the Discharger's request for an extension of the remaining deadlines contained in CDO No. 97-74 and TSO No. 97-75. Specifically, the Regional Water Board adopted Cease and Desist Order No. R1-2001-##*(CDO No. R1-2001-##*).
 - a) Extending the deadlines for selecting and completing construction the CIP,
 - b) requiring an interim project to improve system reliability; and
 - c) imposing a prohibition on additional wastewater flows to the WWTF from new or expanded residential, commercial, industrial and/or governmental connections.
9. Because there is a threatened or continuing violation of CDO No. R1-2001-##*, it is necessary to adopt this Time Schedule Order to establish a time schedule to achieve compliance with WDR Order No. 93-42, as well as to modify the remaining tasks of TSO No. 97-75. Under Section 13308(b) of the California Water Code, the Regional Water Board may impose civil penalties for violations of the time schedule based upon the amount reasonably necessary to achieve compliance, not to include any amount intended to punish or redress previous violations and not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.
10. If the Discharger fails to comply with the Time Schedule contained in this Order, a complaint may be issued pursuant to California Water Code Section 13323(a) alleging the violation(s) of this Order and setting forth the amount of civil liability due under this Order. The amount of the civil liability may be reduced based on consideration of the specific factors in California Water Code Section 13327.
11. An evidentiary hearing on this matter was held before the Regional Water Board on May 24, 2001 in the Regional Water Board Hearing Room, 5550 Skylane

Boulevard, Suite A, Santa Rosa, California. The Regional Water Board considered all evidence presented at the hearing.

12. The adoption of a time schedule order for administrative civil liability is an enforcement action to protect the environment, and is therefore exempt from the provisions of CEQA pursuant to Title 14, California Code of Regulations, Sections 15308 and 15321(a)(2).

THEREFORE, IT IS HEREBY ORDERED that the remaining tasks in TSO No. 97-75 are amended as provided below and that:

Administrative civil liability shall be imposed on the Discharger for violation of Tasks A. through G. in accordance with the following time schedule:

<u>TASK</u>	<u>DUE DATE</u>	PENALTY ASSESSMENT <u>DATE</u>	CIVIL <u>PENALTY</u>
A. Submit for Executive Officer concurrence, a report with a plan and time schedule for implementing an interim project to improve system reliability.	December 1, 2001	December 10, 2001	\$1,000
B. Submit semi-annual Progress Reports on status of selection of a facility upgrade project	December 1, 2001	December 10, 2001	\$500
	June 1, 2002	June 10, 2002	\$500
C. Complete the interim project concurred upon by the Executive Officer	August 24, 2002	September 10, 2002	\$1,000
D. Award Bid for Selected CIP	December 1, 2002	January 1, 2003	\$1,000
E. Complete Construction of Selected CIP	December 1, 2003	January 1, 2004	\$10,000

If there are delays beyond the dates specified above, the discharger is liable for \$1,000 for each additional day in which the violation occurs.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on May 24, 2001.

Lee A. Michlin
Executive Officer

*Number will be issued when adopted

(occidentaltimeschedule)